

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DOMINIC (AKA DIAMOND) VARGAS,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION,  
*et al.*,

Defendants.

Case No. 1:20-cv-00083-JLT-CDB (PC)

**ORDER REFERRING CASE TO POST-  
SCREENING ADR AND STAYING CASE  
FOR 90 DAYS**

45-DAY DEADLINE

**ORDER DIRECTING DEFENDANTS TO  
FILE CONSENT/DECLINE FORM**

7-DAY DEADLINE

Plaintiff Dominic Vargas, also known as Diamond Vargas, is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983.

Following screening of Plaintiff's third amended complaint, this action proceeds on Plaintiff's Eighth Amendment medical indifference claims (Claim I) against Defendants Leslie Taylor, Robert Mitchell, Stephanie Neumann, Tristan Buzzini, and Shama Chaiken, and on his Fourteenth Amendment due process claim (Claim II) against Defendant Jeff Macomber. (*See* Doc. 35.) Defendants responded to the third amended complaint with an amended answer on March 13, 2024. (Doc. 47.)

The Court refers all civil rights cases filed by pro se inmates to Alternative Dispute

Resolution (“ADR”) to attempt to resolve such cases more expeditiously and less expensively.

The Court stays this action for ninety days to allow the parties to investigate Plaintiff’s claims, meet and confer, and participate in an early settlement conference. The Court presumes that all post-screening civil rights cases assigned to the undersigned will proceed to a settlement conference. However, if, after investigating Plaintiff’s claims and meeting and conferring, either party finds that a settlement conference would be a waste of resources, the party may opt out of the early settlement conference.

Accordingly, it is HEREBY ORDERED:

1. This action is STAYED for **ninety (90) days** to allow the parties an opportunity to settle their dispute before the discovery process begins. No pleadings or motions may be filed in this case during the stay EXCEPT for Defendants’ filing of the consent/decline form addressed below (*see infra*). The parties shall not engage in formal discovery, but they may engage in informal discovery to prepare for the settlement conference.
2. **Within 45 days** from the date of this Order, the parties SHALL file the attached notice, indicating their agreement to proceed to an early settlement conference or their belief that settlement is not achievable at this time.
3. **Within 60 days** from the date of this Order, the assigned Deputy Attorney General SHALL contact the undersigned’s Courtroom Deputy Clerk at shall@caed.uscourts.gov to schedule the settlement conference, assuming the parties agree to participate in an early settlement conference.
4. If the parties reach a settlement during the stay of this action, they SHALL file a Notice of Settlement as required by Local Rule 160.
5. The Clerk of the Court SHALL serve via email copies of Plaintiff’s third amended complaint (Doc. 33), the Court’s operative Screening Order (Doc. 34), and this Order to Supervising Deputy Attorney General Lawrence Bragg (Lawrence.Bragg@doj.ca.gov), and a copy of this Order to ADR Coordinator Sujean Park.
6. The parties are obligated to keep the Court informed of their current addresses during the stay and the pendency of this action. Changes of address must be reported promptly in a

1 Notice of Change of Address. *See* L.R. 182(f).

2 And it is FURTHER ORDERED that Defendants shall file a completed Consent /  
3 Decline of U.S. Magistrate Judge Jurisdiction form **within seven (7) days** of the date of entry of  
4 this order (*see* Doc. 4-1 & 10).

5 IT IS SO ORDERED.

6 Dated: **March 14, 2024**

7   
UNITED STATES MAGISTRATE JUDGE

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NOTICE REGARDING EARLY  
SETTLEMENT CONFERENCE

1. The party or counsel agrees that an early settlement conference would be productive and wishes to engage in an early settlement conference.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Plaintiff (check one):

\_\_\_\_\_ would like to participate in the settlement conference in person.

\_\_\_\_\_ would like to participate in the settlement conference by telephone or video conference.

Dated: \_\_\_\_\_

Plaintiff or Counsel for Defendants